THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13869 of 2005

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WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

Between:

Sri V. Satish Kumar S/o Chandra Sekhar
R/o H. No. 2-2- , Parigi Ranga Reddy District

..... PETITIONER

AND

1 The Station House Officer P.S. Parigi Ranga Reddy District
2 The Mandal Revenue Officer, Parigi Ranga Reddy District

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The writ petition is filed aggrieved principally by the non-reporting to the concerned Magistrate of the seizure of the stocks of 250 bags of rice, each of 50 Kgs., belonging to the petitioner after its seizure on 15-06-2005.

According to the petitioner, the 1st respondent inspected the shop of the petitioner on 15-06-2005 and seized the rice alleging that it was meant for 'food for work' and registered a case in Cr.No. 115 of 2005 under Sections 409 and 420 IPC. The petitioner further alleges that the 1st respondent handed over the stock of rice to the 2nd respondent, but had failed to file a copy of First Information Report before the learned Judicial Magistrate of First Class, Parigi, even by 21-06-2005 and when the petitioner filed a petition on the said date under Sections 451 and 457 Cr.P.C. to release the rice to his interim custody, pending trial, on furnishing appropriate security, the petition filed by the petitioner was returned by the court with the endorsement '*case property is not deposited in this crime. Hence returned*'.

Responding to the above allegation of the petitioner, the 1st

respondent has filed counter affidavit, *inter alia*, stating that the deponent, the Sub-inspector of Police, Parigi police station, Ranga Reddy district was on leave on 16-06-2005 and 17-06-2005 and that the seizure and the registration of the First Information Report in Cr.No. 115 of 2005 was done by the Head Constable No. 1415. It is further stated that the seizure panchanama was submitted before the learned Judicial Magistrate of First Class, Parigi and that the seized stocks have been deposited with the District Manager, Andhra Pradesh State Civil Supplies Corporation and on inquiries, he learnt that the rice was deposited in the godown of the Andhra Pradesh State Civil Supplies Corporation on 28-06-2005.

In the circumstances, as the report regarding the seizure and registration of the crime has been informed to the court of the learned Judicial Magistrate of First Class, Parigi, as apparent from the counter affidavit of the 1st respondent, the petitioner may now make an application/petition to the concerned Magistrate for interim custody of the seized commodity. On such application being made, the learned Magistrate will consider and dispose of the same expeditiously and in accordance with law.

The writ petition is disposed of accordingly. No costs.

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GODA RAGHURAM, J

Pvks/*

Nb: Furnish c.c. in two days.

B/o pvks